

# Court of Appeals, State of Michigan

## ORDER

Janice E Szalma v Kmart Corp

Docket No. 266462

LC No. 03-301222-NZ

Brian K. Zahra  
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly  
Judges

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The Court orders, pursuant to MCR 7.205(D)(2), that the September 22, 2005, order of the Wayne Circuit Court denying summary disposition to defendant hereby is REVERSED. Even taking the facts most favorably to plaintiff, the non-moving party, a pallet in a retail store is a well-known, open and obvious danger such that defendant is not liable for plaintiff's injuries. *Lugo v Ameritech Corp, Inc*, 464 Mich 512, 519; 629 NW2d 384 (2001). Plaintiff has not shown that the condition had any special aspects that made it unreasonably dangerous. *Corey v Davenport College of Business (On Remand)*, 251 Mich App 1, 8; 649 NW2d 392 (2002). This case is REMANDED to the circuit court for further proceedings consistent with this order. This order is to have immediate effect, MCR 7.215(F)(2).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 14 2006

Date

*Sandra Schultz Mengel*  
Chief Clerk